

indicate whether it is final or non-final. The Examiner's Supervisor explained that the Examiner in the case has changed. The previous examiner, Examiner Backhean TIV, has left the PTO, and a new examiner, Examiner Kamal DIVECHA, is now working on the case. As for Applicant's options, the Supervisory Examiner explained that while Applicant may initiate a new appeal, the appeal will be complicated because of the restriction requirement. The Examiner's Supervisor indicated that Applicant should treat this Office Action as non-final, since the Office Action does not indicate otherwise, and requested that Applicant refer to his remarks in this Response.

It is respectfully submitted that the above statement of substance of interview complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Response to Restriction Requirement

In response to Applicant's March 22, 2006 Appeal Brief, the Examiner has reopened prosecution, and now requires that Applicant select one of the following groups for prosecution on the merits:

Group I - Claims 1-7, 10-16, drawn to setting up a call channel

Group II - Claims 8-9, drawn to a transceiver device

Applicant elects Group I, Claims 1-7 and 10-16. Applicant elects Group I with traverse.

Restriction is proper only if the groups are able to support separate patents and they are either independent or distinct. MPEP § 803. Here, the Examiner argues that the inventions of groups I and II are related as subcombinations disclosed as usable together in a single combination, and argues that the subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

In the instant case, the Examiner argues that subcombination of group II has separate utility such as transmitting and receiving signals.

However, Applicant respectfully disagrees. Claim 8 (of Group II) recites features which are needed for implementing the method according to claim 1. Specifically, Applicant notes that claim 8 is directed to transmitting user messages, and therefore the user message must first be stored in a dedicated memory. Moreover, the processor must be adapted to send a signaling message during a call set-up operation of a signaling stage. Thus, Applicant respectfully submits that there is no material difference between the two groups.

Conclusion and request for interview

Applicant respectfully submits that the above response to restriction requirement satisfies Applicant's obligation under 37 C.F.R. § 41.39(b). See MPEP § 1207.03, Sec. V.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
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